IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1279 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20/07/2004 in WPMP No.24296 of 2003 in WP NO : 19369 of 2003 on the file of the High Court.)

Between:

1. Govt. of A.P., rep. by its Secretary, Education Department, Secretariat Buildings, Hyderabad.
2. The Commissioner & Director of School Education, Hyderabad.
3. The Regional Joint Director of School Education, Cuddapah.
4. The Dist. Educational officer, Cuddapah.

..... APPELLANTS

AND

1 V.Madhavi, W/o.R.Gopala Krishna,
Sri Balasiva Girls High School, Mydukur, Cuddapah Dist.
2 S.Krishnaveni, W/o.Thirumala Giri, Sri Balasiva Girls
High School, Mydukur, Cuddapah Dist.
3 S.Obaiah, S/o.Obaiah, Mydukur, Cuddapah Dist.
4 B.Vijaya Kumari, W/o.P.Ramesh Babu, Sri Balasiva Girls
High School, Mydukur, Cuddapah Dist.
5 Sri Balasiva High School, Mydukur, Cuddapah Dist., represented by its

Correspondent.

.....RESPONDENTS

Counsel for the Appellant:GP FOR SCHOOL EDUCATION
Counsel for the Respondent No.1 to 4: Mr.P.Gangaiah Naidu for MR.B.SOBHANA RAO NAIDU

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Appellant is aggrieved by order passed by learned single Judge on 20th July, 2004 in WPMP No.24296 of 2003 in W.P.No.19369 of 2003. The impugned order reads as under:

> "There cannot be any justification on the part of the respondents to with-hold the salaries of the petitioners who are working as B.Ed., Assistants in the 5th respondent school since 5-10-2002.
>
> Having regard to the facts and circumstances of the case, the respondents are directed to release the salary of the petitioners who are entitled in accordance with law, pending further orders."

Writ petitioners-respondents 1 to 4 have filed writ petition seeking a direction to declare the action of the appellants 1 to 3 in not approving the proposal of appellant No.4 dated 28-9-2002 wherein approval of the appointments of writ petitioners as B.Ed., Assistants was sought, as illegal and unjust and thus sought further declaration from the court that their appointments as B.Ed. Assistants in the High School concerned are deemed to have been approved under Rule 12(8) framed under G.O.Ms.No.1 Education Department dated 1-1-1994 and that they are entitled for salaries with effect from 5-10-2002. This writ petition was filed on 24th August, 2003 and along with the writ petition, application for interim relief was also filed seeking direction against the appellants for payment of salaries. Writ petition was contested on counter affidavit filed by the appellants.

Sri V.P.Pulla Reddy, District Educational Officer, Cuddapah filed affidavit in reply stating that the entire proposal for approval had been returned to the Deputy Educational Officer, Proddatur vide proceedings dated 14th August, 2003 along with copy of proceedings of the 3rd respondent therein dated 24th July, 2003 with request to communicate the same to the Management and therefore, for reasons as detailed in the counter affidavit, there was no justification in the writ petition being allowed. Thus respondents in the writ petition prayed that writ petition be dismissed.

After counter affidavit was received, learned single Judge proceeded to pass the aforementioned order, which is devoid of any reasons. The order impugned in the appeal proceeds on the assumption as if the respondents' appointments stood approved. In the absence of any such approval, there will be no question of making payment to the respondents herein under any circumstances. In case counter affidavit had already been filed, or the learned single Judge found that there were strong reasons for granting any interim relief to the writ petitioners, the least which was expected was to record reasons, may be in brief. Without reasons, learned single Judge felt that interim relief should be granted to the writ petitioners. Not assigning any reason even for interim order also would make the order bad in law, liable to be interfered with in appeal. It has been authoritatively held in a number of decisions that when order is liable to be challenged in appeal or the order affects rights of the parties, it must contain some reasons.

Appeal, accordingly, is allowed and the impugned order is set aside. Learned single Judge will proceed to hear and decide the application afresh in accordance with law.

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DEVINDER GUPTA, CJ

27-8-2004

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C.V.RAMULU, J

Tvr

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